

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHAWN D. TAYLOR,
Plaintiff,

v.

COUNTY OF CHESTER, *et al.*
Defendants.

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CIVIL ACTION NO. 23-CV-4031

ORDER

AND NOW, this 6th day of November, 2023, upon consideration of Plaintiff Shawn D. Taylor's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Shawn D. Taylor, #0080492, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Chester County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Taylor's inmate account; or (b) the average monthly balance in Taylor's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Taylor's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Taylor's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Chester County Prison.

4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, Taylor's claims are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) with the exception of his Fourteenth Amendment claims against the County of Chester and Prime Care Medical, Inc. for maintaining policies that were deliberately indifferent to Taylor's cavities and asthma, as described further in the Court's accompanying Memorandum.

6. The Clerk of Court is **DIRECTED** to send Taylor a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.¹

7. Taylor is given thirty (30) days to file an amended complaint in the event he can cure the defects in his dismissed claims. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Taylor's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 23-4031. If Taylor files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Taylor's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case. **This means that if Taylor files an Amended Complaint, he must reallege his deliberate indifference claims based on his cavities and asthma with sufficient facts if he**

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.

still seeks to proceed on those claims. When drafting his amended complaint, Taylor should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

8. If Taylor does not file an amended complaint the Court will direct service of his initial Complaint on Chester County and Prime Care Medical, Inc. so that Taylor may proceed only on the claims the Court has not dismissed. Taylor may also notify the Court that he seeks to proceed on these claims rather than file an amended complaint. If he files such a notice, Taylor is reminded to include the case number for this case, 23-4031.

9. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Harvey Bartle III
HARVEY BARTLE III, J.